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for purposes of identification.*

By email

November 18, 2020

The Honorable James C. Duff
Director, Administrative Office of the United States Courts
One Columbus Circle NE
Washington, D.C. 20544

Re: Concerns with access to *Donald J. Trump for President v. Boockvar, et al.*, 4:20-CV-02078

Dear Director Duff:

We write on behalf of the Reporters Committee for Freedom of the Press, the Pennsylvania NewsMedia Association, and journalists throughout the Commonwealth of Pennsylvania to respectfully raise our concerns with access issues in yesterday's hearing in *Donald J. Trump for President v. Boockvar*.

The current court proceedings involving the election are of paramount importance. The public and press have a First Amendment right to review the dockets in those proceedings, review all filings in those proceedings, and attend and observe those proceedings when they are conducted (whether in court, telephonically, or via video conference).

As outlined in the Fix the Court letter submitted to you on November 3, 2020 and signed by the Reporters Committee, immediate access to court proceedings is critical to ensuring confidence in the voting process and in the fair administration of justice. However, the mechanism provided for the press and the public to access oral argument in yesterday's case in the Middle District of Pennsylvania was inadequate to provide meaningful access. The 4,000 allotted slots on the oral teleconference line were quickly filled, leading the court to provide a backup line with 4,000 additional spots. Both teleconference lines failed during oral argument and although AT&T worked to restore access, the hearing was severely delayed.

Even when access was restored, certain voices were almost inaudible to members of the press and public on the access line. One lawyer seemed to have been participating remotely, although not on the same phone line as the public participants, and the judge had to request he stay still because hearing his argument was difficult. Voices of attorneys and those in the courtroom were faint, and sometimes almost impossible to hear.

To ensure greater public understanding of events as they transpire, we respectfully ask the Administrative Office that the temporary exception on the use of teleconference access be extended to audio streaming of district court proceedings. While telephonic access is a good start, a high demand proceeding of this nature needs additional technical guidance from the AO to ensure minimal disruptions to press or public access. Additionally, designating a local television, radio station, or other news outlet to create and distribute a pool feed for both the press and the public could help enhance access to these critical, time-sensitive proceedings.

Thank you for your consideration. If we can be of any assistance in facilitating these requests, please do not hesitate to contact us.

Sincerely,

Melissa Bevan Melewsky
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cc: David A. Sellers, Public Affairs Officer
Administrative Office of the United States Courts

Peter J. Welsh, Clerk of Court
United States District Court for the Middle District of Pennsylvania